

Eastern District of New York

## MEMORANDUM

**DATE:** July 1, 2011

**TO:** Honorable Kiyo A. Matsumoto  
United States District Judge

**RE:** Messina, Neil  
Docket: 11CR31  
Pretrial Services Response to Request for Bond Modification

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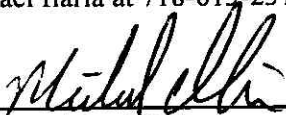
Reference is made to the above-named defendant who initially appeared before U.S. Magistrate Judge Joan M. Azrack on January 20, 2011. On March 4, 2011, the defendant appeared before Your Honor and was released on a \$3.1 million bond secured by five properties and signed by five suretors. His conditions of release included:

- home incarceration with allowance only for pre-approved attorney appointments, treatment, court appearances, and true medical emergencies
- random visits by pretrial services
- random drug testing by pretrial services
- no direct or indirect contact with any co-defendants, except in the presence of counsel, nor with other individuals who may be members or associates of organized crime, including but not limited to the individuals on a list to be provided by the government
- phone numbers, accounts and SIM cards of all phones and cell phones to which defendant may have access must be identified to the government, and subject to monitoring
- all internet accounts to be disclosed to the government, and subject to monitoring
- no new or other phone, cell phone or internet accounts may be utilized
- no pre-paid phones
- defendant shall surrender his passport to pretrial services and shall not apply for a new passport.

Defense counsel is now asking Your Honor to permit the defendant to attend "the family celebration" of his mother's eightieth birthday on July 9, 2011 at a restaurant in Brooklyn, New York. Pretrial Services objects to this request. First, defense counsel did not contact Pretrial Services to ascertain our position before submitting this request. Second, this defendant lives in Westchester County and, including travel to and from the location in Brooklyn, New York, this request would essentially require a block of time approaching, if not greater than, twelve hours. Third, this defendant was placed on home incarceration and such a request is not in conformity with the design of the Location Monitoring program.

If Your Honor should have any other questions or require more information, please do not hesitate to contact Officer Michael Ilaria at 718-613-2378.

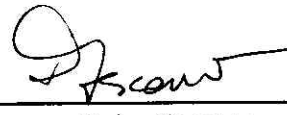
Prepared by:



Michael Ilaria

U.S. Pretrial Services Officer

Approved by:



Daisy Toscano

Supervising Pretrial Services Officer